

The Greenville County Planning Commission meeting was held Tuesday, January 8, 2013, 7:30 P.M., at the Greenville County Government Building, 1781 Greenville County Circle, Emporia, Virginia.

PRESENT

Malcolm King, Chairman
Lofton Allen
Joe Antorn
Dianne Barnes-Rhoades
Joey Jones
Walter Robinson
Peggy R. Wiley

ABSENT

G. L. Rawlings
James Tucker

STAFF PRESENT

Linwood E. Pope, Jr.
Susan D. Conwell

OTHERS PRESENT

Doug Hunter
Elton Broadnax

The Chairman called the meeting to order. The secretary called the roll.

In Re: ELECTION OF OFFICERS

Chairman King relinquished the chair to Mr. Pope to receive nominations for chairman.

Mr. Pope called for nominations for the office of Chairman. Commissioner Robinson moved to nominate Mr. King as Chairman. Commissioner Jones seconded the motion. Commissioner Robinson moved to close nominations for Chairman. Commissioner Allen seconded the motion to close nominations for Chairman. All voted aye to elect Malcolm King as Chairman of the Greenville County Planning Commission.

Chairman King thanked the commissioners for their vote of confidence.

Chairman King called for nominations for the office of Vice-Chairman. Commissioner Wiley moved to nominate Joey Jones. Commissioner Robinson seconded the motion. Commissioner Allen moved to close nominations for Vice-Chairman. Commissioner Antorn seconded the

motion. All voted aye to elect Joey Jones as Vice-Chairman of the Greenville County Planning Commission.

Chairman King called for nominations for the office of Secretary noting that it was customary for the Planning Director to fill this position. Commissioner Allen moved to nominate Linwood E. Pope, Jr. as secretary. Commissioner Wiley seconded the motion. Commissioner Antorn moved to close nominations. Commissioner Robinson seconded the motion. All voted aye to elect Linwood E. Pope, Jr. as Secretary of the Greenville County Planning Commission.

In Re: APPROVAL OF AGENDA

Commissioner Jones moved to approve the Agenda. Commissioner Wiley seconded the motion. All voted aye to approve the Agenda.

In Re: APPROVAL OF THE MINUTES – July 10, 2012

Commissioner Allen moved to approve the minutes of July 10, 2012. Commissioner Wiley seconded the motion. All voted aye to approve the minutes of July 10, 2012.

In Re: PUBLIC HEARING

Commissioner Robinson moved to go into Public Hearing. Commissioner Antorn seconded the motion. All voted aye to go into Public Hearing.

In Re: ZTA-1-12 County of Greenville

Mr. Pope reviewed the staff report with the commission members stating that the Code of Virginia allows localities to impose civil penalties for certain violations of the Chapter 14 Inoperable Vehicles and Chapter 21 Weed Control. Mr. Pope further states staff recommends approval of the request to enforce civil penalties for Chapter 14 Inoperable Vehicles and Chapter 21 Weed Control with revisions to the County Code as indicated below:

**Greenville County Code
Chapter 14 - Inoperable Vehicles**

Section 14-3 Penalty for Violation

- (a) Any violation of this Article shall result in imposition of a civil penalty, which shall be imposed in accordance with the provisions of Section 15.2-2209 of the Code of Virginia.
- (b) Said civil penalty shall preclude prosecution of such violation as a misdemeanor. However, in the event that three civil penalties are imposed on any individual or legal entity within a twenty-four month period, the fourth

such violation shall constitute a class three misdemeanor. Any violation hereof prosecuted as a criminal offense shall preclude the imposition of civil penalties for the same violation.

- (c) The civil penalty for violation hereof shall not exceed \$50.00 for the first violation, or violations arising from the same set of operative facts.
- (d) The civil penalty for subsequent violations not arising from the same set of operative facts within twelve months of the first violation shall not exceed \$200.00.
- (e) Each business day during which the same violation is found to have existed shall constitute a separate offense.
- (f) In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000.00 in a twelve-month period.

Greensville County Code Chapter 21-Weed Control

Section 21-4 Penalty for Violation

- (a) Any violation of this Article shall result in imposition of a civil penalty, which shall be imposed in accordance with the provisions of Section 15.2-2209 of the Code of Virginia.
- (b) Said civil penalty shall preclude prosecution of such violation as a misdemeanor. However, in the event that three civil penalties are imposed on any individual or legal entity within a twenty-four month period, the fourth such violation shall constitute a class three misdemeanor. Any violation hereof prosecuted as a criminal offense shall preclude the imposition of civil penalties for the same violation.
- (c) The civil penalty for violation hereof shall not exceed \$50.00 for the first violation, or violations arising from the same set of operative facts.
- (d) The civil penalty for subsequent violations not arising from the same set of operative facts within twelve months of the first violation shall not exceed \$200.00.
- (e) Each business day during which the same violation is found to have existed shall constitute a separate offense.
- (f) In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000.00 in a twelve-month period.

Chairman King asked if there were any questions or comments from the commissioners. Commissioner Robinson questioned (e) above where each business day shall constitute a separate offense. Mr. Pope stated that it was true but a reasonable amount of time is always given to the violator. Commissioner Allen asked if weed offense was different in all zoning areas. Mr. Pope answered that the weed notices are sent out to overgrown residential lots, but not to agricultural fields. Commissioner Jones asked if these were major problems with the County. Mr. Pope advised that it was usually the same five or six households every year. Commissioner Robinson asked how many, if any, inoperable or unlicensed vehicles could be kept at a residence. Mr. Pope replied that Article 14-2 (b) states as follows:

...not more than one motor vehicle, trailer or semitrailer, as such are defined in Code of Virginia, 1950, §46.2-100, as amended, which is inoperable may be kept outside of a fully enclosed building, provided it is shielded or screened from view by covers...

Chairman King asked if there were any comments from those in attendance. Mr. Doug Hunter, 214 Horton Road, Emporia, VA stated his question was how many inoperable or unlicensed vehicles could be kept and that had already been answered.

Mr. Elton Broadnax of Westward Road stated he opposed the civil penalties. Mr. Broadnax stated he believes that if he pays personal taxes and real estate taxes he should be allowed to have an inoperable vehicle in his yard. He further stated a person should not be penalized in these economic times when he cannot afford to have a vehicle repaired; or be charged with a misdemeanor just because the vehicle will not operate properly when it is not a risk to public health and safety. Mr. Broadnax stated something should be done to assist these people, not punish them. Mr. Pope advised Mr. Broadnax that he does try to assist the public by providing a list of salvage dealers and by giving the option to place a cover to shield or screen the inoperable vehicle.

Mr. Broadnax also advised he was against the punishment for tall grasses when VDOT does not maintain the grasses on the roadside ditches very well.

Chairman King asked if there were any other questions or comments. There were none.

In Re: ZMA-1-12 Everett Bros. Properties, Inc.

Mr. Pope reviewed the staff report with the commission members stating the applicant's request is to rezone a portion of the property located at the southeast corner of Horseshoe Road (T-1102/Mayes Street (State Route 1102) intersection from R1-B, Single Family Dwelling to R2-A Town House Dwelling. Mr. Pope further advised staff recommended approval with the following conditions:

1. The subject property is located in a Medium-Density Area on the Comprehensive Plan's Future Land Use Plan.
2. The Land Use Plan recognizes multi-family dwellings as an appropriate use within a Medium Density Residential area.

3. Public infrastructure is in place (i.e. water, sewer, roads) to support higher density development.
4. The proposed use will be compatible with the overall neighborhood being that two-family dwelling (duplexes) are already established in the neighborhood.
5. Adjacent property is already zoned R2-A; therefore, concerns over spot zoning are not created.

Chairman King asked if there were any questions or comments from the commissioners. There were none. Chairman King asked if there were any questions or comments from those in favor or those in opposition. There were none.

In Re: REGULAR SESSION

Commissioner Barnes-Rhoades moved to go into Regular Session. Commissioner Antorn seconded the motion. All voted aye to go into Regular Session.

In Re: ZTA-1-12 County of Greenville

Commissioner Allen moved to approve ZTA-1-12 and forward the decision to the Board of Supervisors. Commissioner Robinson seconded the motion. All voted aye to approve ZTA-1-12 and forward the decision to the Board of Supervisors for consideration.

In Re: ZMA-1-12 Everett Bros. Properties, Inc.

Commissioner Barnes-Rhoades moved to approve ZMA-1-12 with conditions and forward the decision to the Board of Supervisors. Commissioner Robinson seconded the motion. All voted aye to approve ZMA-1-12 with conditions and forward the decision to the Board of Supervisors for consideration.

In Re: OTHER MATTERS

There were none.

Commissioner Robinson moved to adjourn the meeting. Commissioner Wiley seconded the motion. All voted aye to adjourn the meeting. Meeting was adjourned at 8:05 p.m.

Malcolm King, Chairman